

STATE OF VERMONT  
BOARD OF MEDICAL PRACTICE

In Re: Harry Kern Wisner, M.D.

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Licensing Committee Matter

STIPULATION AND AGREEMENT

NOW COME, Harry Kern Wisner, M.D., applicant for medical licensure, and the State of Vermont, by and through Attorney General William H. Sorrell, and agree and stipulate as follows:

1. Harry Kern Wisner, M.D. (hereinafter "Applicant") filed application on December 27, 2002 with the Vermont Board of Medical Practice for medical licensure in the State of Vermont.
2. Jurisdiction in this matter vests with the Vermont Board of Medical Practice under 26 V.S.A. §§ 1353, 1391, and 1395.

I. Background.

3. Applicant began the practice of medicine on July 19, 1970 but retired from the active practice of medicine in 1992. He has, however, actively pursued and updated his medical education through the Center for Continuing Medical Education at Dartmouth College, in addition to attending numerous other professional presentations.

4. Applicant seeks medical licensure in the State of Vermont so that he may practice on a limited and restricted basis.

5. The Board agrees that Applicant's plan for practicing is appropriate and agrees that medical licensure for such purpose may be granted, subject to the terms set below.

## **II. Application for Vermont Licensure.**

6. Applicant has completed all necessary steps of the Board's licensing procedures. He has provided copies of pertinent documents to the Vermont Board, provided the names of references, and has provided information to the Licensing Committee of the Vermont Board. The Licensing Committee has reviewed Dr. Wisner's application.

7. Following execution and approval of the instant agreement, the Board will issue to Applicant a license to practice medicine in the State of Vermont, subject to the terms set forth below and as agreed to by the parties.

## **III. Agreement as to Licensure.**

8. The parties agree that this agreement is intended to provide for and facilitate Applicant's return to the practice of medicine in a limited and restricted way.

9. Applicant agrees that following the granting of medical licensure in this State by the Board he shall practice medicine only by assisting other surgeons who are physically present in the operating or surgery room at all times.

#### IV. Other Terms and Conditions.

10. Applicant acknowledges that he is voluntarily agreeing to the terms and conditions set forth in this Stipulation and Agreement and agrees and understands that by executing this document he is waiving any right to challenge the jurisdiction and continuing jurisdiction of the Board in this matter and as to the terms of this agreement. The parties agree that this Stipulation and Agreement and the terms set forth herein, do not constitute discipline of Applicant and are not intended to do so. Applicant understands and agrees that he has had at all times the right to be represented by and receive advice of counsel in reviewing this Stipulation and Agreement. Applicant has read and carefully considered all terms herein and agrees to accept and be bound by such terms while licensed to practice medicine in the State of Vermont and to do so until such time in the future as the parties agree that the terms set forth herein have become unnecessary. The Board may consider at a later date a petition from Applicant for relief from or modification of these conditions.

11. Should Applicant present a petition to the Board seeking removal of the terms applicable to his Vermont medical license, he agrees that she shall set forth the basis for so requesting. Applicant agrees and acknowledges that the Board may either accept or deny such a petition from him, in whole or in part, in its sole discretion. Should such petition be denied, in whole or in part, all unaffected terms and conditions of licensure, as set forth herein, shall continue.

12. The parties agree that this Stipulation and Agreement shall be a public document and shall be made part of Respondent's licensing file. The parties agree that this Stipulation and Agreement constitutes neither discipline nor punishment and shall not be interpreted as an adjudication by the Vermont Board of Medical Practice. The parties agree that this Stipulation and Agreement is intended only to establish the terms of licensure.

13. This Stipulation and Agreement is subject to review and acceptance by the Vermont Board of Medical Practice. If the Board rejects any part of this Stipulation and Agreement, the entire agreement shall be considered void. However, should the Board deem the terms of this Stipulation and Agreement to be acceptable, the parties request that the Board enter an order providing for the issuance to Applicant of a license to practice medicine in the State of Vermont, subject to the terms herein.

14. Applicant agrees to be bound by all terms and conditions of this Stipulation and Agreement. Applicant expressly agrees that noncompliance with the terms of this Stipulation and Agreement may be subject to action by the Board under 26 V.S.A. §1354.

Dated this 29<sup>th</sup> day of May 2003

STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

by: William E Wargo  
WILLIAM E. WARGO  
Assistant Attorney General

Dated this 29 day of May 03

H. Kern Wisner  
HARRY KERN WISNER, M.D.  
Applicant for Licensure

FOREGOING AGREEMENT, APPROVED AND ORDERED  
VERMONT BOARD OF MEDICAL PRACTICE

<u>Donna L. Lapham</u>	<u>William E. Wargo</u>
<u>James E. Cahill</u>	<u>David B. Hukker</u>
<u>William E. Wargo</u>	<u>James J. Wallcut, M.D.</u>
<u>Robert L. Brown, Jr.</u>	<u>Margaret Funk Martin</u>
<u>David W. Davis</u>	<u>Steven L. Threl</u>
	<u>Edward A. Tringali, M.D.</u>
	<u>James E. Blowers</u>

DATED: June 4, 2003

ENTERED AND EFFECTIVE: June 4, 2003

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